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HOUSE BILL 1219

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

LARRY A. LARRANAGA

AN ACT

RELATING TO EDUCATION; ENACTING THE PARENT CHOICE IN EDUCATION  
ACT; ESTABLISHING A SCHOOL CHOICE CERTIFICATE PROGRAM FOR LOW-  
INCOME AT-RISK STUDENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE. -- This act may be cited as the  
"Parent Choice in Education Act".

Section 2. DEFINITIONS. -- As used in the Parent Choice in  
Education Act:

A. "department" means the state department of public  
education;

B. "parent" means a natural parent, legal guardian  
or any person having legal or effective custody of a student;

C. "private school" means a school offering on-site  
programs of instruction not under the control, supervision or

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1 management of a local school board, exclusive of home  
2 instruction; and

3 D. "school choice certificate" means an instrument  
4 issued to parents that represents an amount of money to pay for  
5 educational services provided to a student in a private school.

6 Section 3. ESTABLISHMENT OF SCHOOL CHOICE CERTIFICATE  
7 PROGRAM - PURPOSE - - ELIGIBILITY - - ADMINISTRATION. - -

8 A. The purpose of the school choice certificate  
9 program is to provide alternative educational opportunities to  
10 low-income at-risk students in grades one through eight and to  
11 encourage active parental involvement with the goal of improving  
12 the educational outcome for these students.

13 B. Participation in the school choice certificate  
14 program shall be open to students currently enrolled in public  
15 school who are considered at risk and are from families whose  
16 income is at or below federal poverty guidelines. A parent  
17 shall enroll the student in the school choice certificate  
18 program. Enrollment constitutes agreement to comply with the  
19 requirements of the program.

20 D. The department shall develop and administer the  
21 school choice certificate program and shall establish procedures  
22 for enrollment in the program and distribution and redemption of  
23 school choice certificates. Full implementation of the school  
24 choice certificate program shall be accomplished no later than  
25 the beginning of fiscal year 1999. Specific and realistic

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1 schedules for implementation shall be determined by the  
2 department and participating private schools.

3 Section 4. SCHOOL CHOICE CERTIFICATES--VALUE--FUNDING.--

4 A. The value of a school choice certificate shall be  
5 two thousand five hundred dollars (\$2,500).

6 B. School choice certificates shall be funded from  
7 money appropriated to the department.

8 Section 5. ISSUANCE OF SCHOOL CHOICE CERTIFICATES.--The  
9 department shall issue school choice certificates by June 15 of  
10 each year to parents who shall submit them to the participating  
11 school of their choice by July 15. The schools shall submit the  
12 school choice certificates for payment as agents of the parents  
13 to the department by August 1. The department as agent of the  
14 parents shall pay the value of the school choice certificates in  
15 two equal payments to the schools, one on September 1 and one on  
16 January 1. Appropriate adjustments shall be made for partial-  
17 year enrollment and transfers. Reasonable requirements for  
18 verifying enrollment shall be established by the department.

19 Section 6. ADMISSIONS.--Admission of a student  
20 participating in the school choice certificate program shall be  
21 governed by policies established by the school. Nothing in the  
22 Parent Choice in Education Act shall be construed to require any  
23 participating school to admit or retain any student in violation  
24 of school policies; provided that no participating school shall  
25 deny a student admission on the basis of race, color or national

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1 origin.

2 Section 7. PARTICIPATION BY SCHOOLS. --Participation in the  
3 school choice certificate program by private schools is optional  
4 and is open to any private schools in the state, providing it  
5 supplies documentation satisfactory to the department of  
6 compliance with all applicable fire, safety and health  
7 requirements. No private school shall be ineligible to  
8 participate in the school choice certificate program because it  
9 teaches moral values, philosophy or religion. A private school  
10 redeeming school choice certificates shall not be considered a  
11 recipient of federal assistance.

12 Section 8. CONTINUED PARTICIPATION BY STUDENTS. --In order  
13 for a student to remain eligible for participation in the school  
14 choice certificate program for a second year and subsequent  
15 school years, the school the student is attending must certify  
16 to the department by May 15 of each school year that the parent  
17 of the student is fully participating in appropriate support  
18 activities and the student's performance and behavior are  
19 satisfactory. If the school does not so certify, the student  
20 shall be ineligible to continue in the school choice certificate  
21 program in the next school year. At the end of a student's  
22 second year at a participating school, the school shall conduct  
23 a review of the student's academic achievement. If the  
24 student's academic achievement has not shown improvement, the  
25 school shall notify the department, and the student shall be

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1 ineligible to continue in the school choice certificate program  
2 in subsequent school years.

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